

**TOWN OF BOWDEN
PROVINCE OF ALBERTA**

BYLAW 13/2002

***BEING A BYLAW OF THE TOWN OF BOWDEN TO REGULATE AND LEVY FOR WATER,
SEWER AND GARBAGE COLLECTION***

WHEREAS the Town of Bowden deems it expedient to regulate water, sewer and garbage services within the Town of Bowden,

NOW THEREFORE, under the Authority of the Municipal Government Act, being Chapter M-26.1 of the revised Statutes of Alberta, 1994 and amendments thereto, Council of the Town of Bowden, duly assembled, enact as follows:

1. This Bylaw shall be known as the Utilities Bylaw.
2. Use and Control - the use and control of all public waterworks, water treatment systems, common sanitary sewers, common storm sewers and of any sewage disposal works connected therewith, shall be in accordance with this bylaw.
3. Area of Responsibility - all waterworks, sanitary sewers, storm sewers, drains and sewage disposal works, belonging to the Town, now laid down, constructed or built, or hereinafter laid down, constructed or built, shall be under the direct control of the Town.
4. Definitions:
 - (a) ~~%~~Authorized person+ shall mean any person employed by the Town.
 - (b) ~~%~~Consumer+ shall be understood and construed as to include the owner or occupant of lands and premises, therein or on, to which any water or sewer service pipes are installed to service any land or premises therein or on, and/or any owner or occupant of lands and premises which receive garbage collection service.
 - (c) ~~%~~Foreman+ shall mean the person with authority to supervise and have charge of the water, sewer and garbage department, subject to the powers delegated to him/her by the Town Council.
 - (d) ~~%~~Manufactured Home Park+ shall mean a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis.
 - (e) ~~%~~Meter+ shall mean a mechanical and/or electronic device used to measure the amount of water consumed in metric measurement.
 - (f) ~~%~~Person+ shall mean an owner, occupier, lessee, firm, tenant or corporation.

- (g) ~~Water Main~~ and ~~Sewer Main~~ shall mean that portion of the water or sewer system laid down in Town owned land for the purpose of servicing more than one person.
- (h) ~~Sewer Service Line~~ shall mean the sewer line from the collecting sewer main to the property line on the land or building being serviced.
- (h) ~~Tag~~ shall mean the self adhesive sticker issued, upon payment (see Schedule ~~A~~), by the Town. This tag shall be of a size and colour as to be visible for ease of identifying refuse for collection over and above the limit.
- (i) ~~Unit of Garbage~~ shall mean one unit equals a garbage bag up to 660 mm x 914 mm or a garbage can from 70 to 100 litres and shall not weigh more than 34 kilograms.

The standard galvanized garbage can = 77 litres.

Larger bags or can would count as 2 units.
- (j) ~~Utilities~~ shall mean water, sewer, and garbage.
- (k) ~~Water Service Line~~ shall mean the water line from the distributing water main to the property line of the land or building being serviced.

5. General:

- (a) Tapping of water and sewer mains - no person, without having obtained permission to do so, shall make connection to any public water or sewer lines or mains. Applicants shall be responsible for any repairs to streets, curbs and sidewalks which are damaged while making such connections and may be required to leave a deposit until said repairs are completed to the satisfaction of the Town. The applicant shall also provide adequate safety provisions during said construction. Permission will be given only to licensed installers or authorized employees of the Town.
- (b) All water and sewer service lines, laid in private property, between the property line and the meter, shall be CSA approved material of equal quality to the service line in the street between the main and the property line.
 - (i) Minimum size of water service lines shall be 20mm, and sewer lines shall be 100mm.
 - (ii) Connection shall commence from the property line towards the building for proper grade level.
 - (iii) No person shall backfill any service until the service has been inspected and approved by an authorized Town employee.
- (c) No connection may be made to the water service line between the property line and the meter.

- (d) Application for hook up and shut off must be made through the Town Office, with required deposits, per Schedule ~~A~~+ of this Bylaw, being paid before services are turned on. Water shall be turned on or off only by an authorized employee of the Town and charges, for said utility services, shall be in accordance with Schedule ~~A~~+ of this Bylaw.
- (e) Unless the Town agrees to provide utility services to a non-owner, the owner of any land and/or premises shall be responsible for any charge for utilities associated with the said land and/or premises per Schedule ~~A~~+ of this Bylaw.
- (f) No persons other than authorized Town employees shall open or close or operate or therefore interfere with any valve, hydrant or fire plug, or draw water there from with the exception of authorized Fire Department personnel, who are authorized to use the hydrants or fire plugs for fire fighting, practices or equipment testing.
- (g) No person shall in any manner obstruct the free access to any hydrant, valve or service valve and in the case of a hydrant, by placing any matter or thing nearer than the property line, or within five (5) meters of the hydrant in a direction parallel with the said property line. Costs of repairs required as a result of obstruction or damage to any service valve are the responsibility of the owner of the property being serviced.
- (h) The Town may shut off the water supply to the premises of any consumer for:
 - (i) any purpose that, in the opinion of the Town, may be expedient to do so, or
 - (ii) breach of or non-compliance with any of the provisions of this Bylaw or Board of Health regulations,

and it is hereby declared that no person shall have any claim for compensation or damages as a result of the Town turning off the water service without notice or from the failure of the water supply system from any cause whatsoever.

- (i) No person shall throw, deposit or leave in or upon any part of Town sewer or sewage collection system any matter or material other than feces, urine the necessary closet paper, wastewater and slop properly discharged through a house sewer into a Town sewer.
- (j) No waste or discharge resulting from any trade, industrial or manufacturing process shall be directly discharged to any Town sewer without such previous treatment as prescribed by the Town to be completely installed before connection at the property owners expense.
- (k) Grease traps of sufficient size and approved design shall be placed on the waste pipes from all hotels, restaurants, laundries and other such places as the Town may direct. Sump pumps or traps of sufficient size and approved design shall be placed on the waste pipes from all car washes. Backwater valves or other suitable devices to cut off or control the connection between the sewage system and cellar or basement shall be required, on all new development, to prevent or reduce flooding.

6. Water Restrictions:

From time to time the Town may implement water restrictions following the guidelines of the Mountain View Regional Water Services Commission. Under the authority of this Bylaw only the Chief Administrative Officer, or designate, may implement said restrictions. Unless expressly exempted, by the Town, individuals contravening these water restrictions will be subject to a penalty, as identified in Schedule ~~B~~ of this Bylaw.

7. Repairs - Water & Sewer:

(a) Frozen water lines - the Town shall assume the full responsibility and costs for any water service line which may be hereinafter frozen between the property line and the street main. Any water line frozen between the property line and the meter shall be the responsibility of the property owner. Any costs incurred by the Town, in thawing frozen lines on behalf of a person, shall be recoverable, subject to penalties, as taxes.

(b) Sewer Blockages

(i) If the blockage is due to physical damage, the Town will be responsible for only the portion of sewer servicing between the main and the connection made to the Town service on or about the property line. The Town will not be responsible for a failure of the connection.

(ii) Any blockages of the service piping to the sewer main due to foreign material introduced to the service, by the owner/occupant, is the responsibility of the property owner.

(iii) If a blockage is caused by roots, the Town will attempt to determine whether the problem trees are on Town or private property. The Town will pay the plumber's bill if it is determined that the trees solely on Town property are responsible for the blockage.

If it is determined that trees on both Town and private property are contributing to the problem, a portion of the bill will be paid by the Town.

(iv) If a root problem caused by or contributed to by Town trees recurs:

1. The Town may either inhibit root growth using an approved method, or
2. The Town may have the trees removed, or
3. If the property owner wishes to have the trees left on site, the property owner must sign a release stating that the Town will not be responsible for any further blockage due to roots. This release shall be registered on the property title and shall remain with the property, regardless of ownership.

(v) If blockage is caused by ice or accumulation of ice, it is the responsibility

of the owner to prove that the blockage did not originate from the parcel.

- (vi) If the repair of a blockage, which is determined to be the responsibility of the owner, causes any portion of sidewalks, boulevards, curbs, gutters, streets or other Town property to be dug up, disturbed or otherwise changed, it shall be the responsibility of the property owner for the cost of repairing damages.
- (vii) Costs incurred in determining where and what caused any blockage on the service line, including but not limited to such costs as camera scoping, flushing or de-rooting shall, in the event the owner is found to be responsible, be recoverable from the owner as costs in the same manner as other costs.

8. Meters:

- (a) Upon application, by the property owner or contractor, water meters shall be supplied, by the Town, to all buildings per the fee set out in Schedule ~~A~~+ of this Bylaw. Notwithstanding the cost paid, ownership of all meters shall be vested in the Town.
- (b) In the event that a service is supplied to a consumer who is someone other than the owner of a premises, that consumer shall pay a deposit, in advance, to the Town for the service as set out in Schedule ~~A~~+ of this Bylaw.
- (c) All consumers and property owners shall give every facility for the installation, inspection and reading of water meters and shall protect it from interference or injury by frost or otherwise, and shall be liable for any damage which may occur to the meter.
- (d) No person shall interfere with, cut or remove the seal on the meter, disconnect the meter or do anything to interfere with the flow of water through a meter, or which may affect the proper operation of a meter.
- (e) Should any person claim a meter is not working properly and is over-reading, said person shall deposit with the Town a sum as set out in Schedule ~~A~~+ to this Bylaw to have the meter removed and bench tested. Should the meter over-read by more than 3%, the person shall be refunded their deposit or, if not, the person shall forfeit the deposit, to the Town, to cover the cost of removal and testing. If the meter is found to over-read or under-read by more than 3%, the rates charged for the previous two billing periods shall be adjusted by that percentage, providing that no rate shall be less than minimum.
- (f) Upon termination or disconnection of water service, the user fee deposit shall be applied to any outstanding charges for water consumed and balances shall be refunded to the consumer if, upon examination of the meter, it proves to be in satisfactory condition and the consumer has left a forwarding address with the Town Office.
- (g) All properties shall provide, in a convenient location on the outside of the building, a remote reading device supplied and approved by the Town. The

property owner shall provide necessary electrical wire for installation.

9. Garbage:

- (a) Household refuse shall be wrapped or contained in a reasonable manner to facilitate pick up and shall not contain the following materials:
- i) liquid wastes
 - ii) chemical containers
 - iii) animal carcasses
 - iv) loose wire
 - v) burning wastes
 - vi) hazardous wastes
 - vii) car bodies and parts
 - viii) household appliances and furniture
 - ix) explosive wastes
- (b) To avoid creation of a nuisance, from animals, bags should be contained in a sturdy refuse container. Garbage spread from bags, which are not contained properly, is the responsibility of the property owner/occupant to clean up.
- (c) Businesses receiving commercial pickup, from the Town, must provide a suitable container, at their expense, which prevents garbage from being spread or blown around. Garbage which is not contained properly is the responsibility of the business to clean up.
- (d) The Town will not provide garbage pickup for commercial customers producing more than three yards of garbage per week. These businesses must arrange for private commercial garbage pickup.
- (e) Monthly pick up charges shall be in accordance with Schedule ~~A~~ of this Bylaw. The rates and charges levied pursuant to this Bylaw will be applied to all properties within the Town, with no option for use of the service except properties zoned commercial or industrial under the Town of Bowden Land Use Bylaw or is a Manufactured Home Park.

10. Excess Refuse:

- (a) Refuse in excess of that allowed under the base rate charge as established in Schedule ~~A~~ of this Bylaw will be collected providing a tag, supplied by the Town at a rate specified in Schedule ~~A~~, is conspicuously attached.
- (b) The tags mentioned in (a), above may be offered for sale in locations specified by the Chief Administrative Officer for the convenience of waste system users.
- (c) In order to offer the tags for sale at retail businesses in the Town, the Chief Administrative Officer may sell the tags to the retailer at a rate 10% below that specified in Schedule ~~A~~.
- (d) Any unit of garbage above the limit (see Schedule ~~A~~) shall not be collected without a visible tag. Units above the limit, without a visible tag, shall be marked,

by the garbage collectors, in such a manner to advise the user no tag was attached or visible.

11. Collection Interference:

- (a) No person shall willfully or maliciously hinder or interrupt or cause or procure to hinder or interrupt, the Town or its contractors, servants, agents, employees, in the exercise of powers and duties related to the collection utility and authorization contained in this Bylaw. Individuals contravening this section will be subject to a penalty, as identified in Schedule 6 of this Bylaw.
- (b) No person other than the owner, a person permitted by the owner, or a collector of the Town shall interfere with a refuse receptacle or with any ashes, garbage or refuse placed for collection in or near a refuse receptacle. Individuals contravening this section will be subject to a penalty, as identified in Schedule 6 of this Bylaw.
- (c) No person shall deposit waste in a waste receptacle or commercial container without the consent of the owner thereof or of the owner or occupant of the premises on which the receptacle or container is located. Individuals contravening this section will be subject to a penalty, as identified in Schedule 6 of this Bylaw.

12. Placement of Waste Receptacles:

- (a) Where refuse is to be collected from premises situated on land abutting a lane and there is space on the land next to the lane, the owner or occupants of the said premises shall place and keep the refuse receptacles at the edge of or near the lane or elsewhere satisfactory to the Town.
- (b) Where the premises from which refuse is to be collected do not abut a lane or where there are special conditions which make it impractical to keep and place refuse receptacles at the rear of the premises, the owner or occupant of the premises shall place the refuse receptacles:
 - (i) in an area adjacent to the front property line or elsewhere as directed by the Town and;
 - (ii) in a position that the collector shall have direct access thereto and shall be able to conveniently collect the waste receptacles there from.

13. Utility Arrears:

- (a) Any rates, costs or charges in arrears for utility services supplied to any land or premises may be added to the taxes assessed against the real property to which the utilities have been supplied, and may be collected in any of the ways provided by the collection of taxes, including the sale of the said property, provided that the consumer of the utility services is the owner of the property.
- (b) If the consumer is a person other than the property owner, any charges or arrears are a lien against his/her personal property, and may be collected with

costs by distress.

- (c) A penalty, as per Schedule %A+ of this bylaw, shall be charged on all current utility accounts which remain unpaid thirty (30) days from the date of billing.
- (d) In addition to Sections 13 (a) to (c), the Town reserves the right to discontinue service to any property where any charges for service or work remain outstanding for a period of more than forty-five (45) days from the date of current billing. A notice shall be posted on the premise or sent to the consumer advising of any forthcoming disconnection at least 48 hours prior to the disconnection. A charge, in accordance with Schedule %A+ of this Bylaw, shall be added to the account once a notice has been posted on the premise.
- (e) In the event a water service has been discontinued for non-payment, a re-connection fee as per Schedule %A+ will be charged and shall be payable in advance. Arrears and current charges shall be payable in full before re-connection.
- (f) Notwithstanding Section 7(a), if, during discontinuance of service, the water line freezes, the consumer shall be responsible for costs incurred for thawing lines before re-connection.

14. That Bylaw No. 08/2002, as amended by Bylaw 12/2002, be repealed.

15. That this Bylaw shall take effect upon its passing.

Read a first time this _____ day of _____, 2002.

Read a second time this _____ day of _____, 2002.

Read a third time and finally passed, this _____ day of _____, 2003.

Mayor

Chief Administrative Officer

BYLAW 03/2007
SCHEDULE 'A' - Utility Rates

Approved by Council Motion 8.c (March 23, 2009 Regular Council Meeting)

Water user fee deposit . where the occupant is not the owner of the property:

- | | | | |
|----|--|-------------------|----------|
| a) | Residential | per dwelling unit | \$150.00 |
| b) | Commercial/Industrial | per business unit | \$150.00 |
| c) | On any water service connection larger than $\frac{3}{4}$ " Town of Bowden Administration shall determine an appropriate deposit at the time of application for utility services not to exceed \$1,000.00. | | |

If an account remains in good standing for a period of 24 months the account holder can request that the water user fee deposit be returned to the account holder. All deposits not returned to the account holder will be returned upon account closure assuming no outstanding balances are owed to the Municipality.

Water user fee deposit per Bulk Truck Fill Key	\$150.00
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Water Meters	cost + 10%
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Meter calibration deposit	\$100.00
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Posting utility disconnection notice on premises	\$5.00
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Utility Re-connection fee (plus the costs of thawing if frozen [gst added])	\$55.00
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Tampering with or operating Utility Shut-Off Valve	\$300.00
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Penalty for account arrears	8%
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Water Services:

- | | | |
|----|---|--------|
| 1. | Basic Service charge per account per month | \$8.80 |
| 2. | Water Consumption per m ³ \$1.53 | |

Bulk Water Fill:

- | | | |
|----|--|--------|
| 1. | Bulk fill keyed service (in town customer), per m ³ | \$1.53 |
| 2. | Bulk fill keyed service (out of town customer), per m ³ | \$3.00 |

Sanitary Sewer:

- | | | |
|----|--|-----|
| 1. | Usage fee calculated on the metered water charge | 65% |
|----|--|-----|

Solid Waste:

- | | | |
|----|--|---------|
| 1. | Residential . maximum of three bags not exceeding 25 lbs ea, once per week per unit per month | \$14.85 |
| 2. | Commercial/Industrial . maximum of three bags not exceeding 25lbs ea, once per week per unit per month | \$14.85 |
| 3. | Institutional (Churches and Service Clubs) . maximum of three bags not exceeding 25 lbs ea, once per week per unit per month | \$14.85 |
| 4. | Tag charge for each additional bag of solid waste | \$1.00 |

Recycling Fee:

- | | | |
|----|---|--------|
| 1. | Levy per month per dwelling unit or business unit | \$3.15 |
|----|---|--------|

Effective Date for Schedule ~~A~~q May 1, 2009

For Schedule ~~A~~q Unless otherwise stated GST is not added to the Rates

**BYLAW #13/2002
TOWN OF BOWDEN
SCHEDULE "B"**

Use of water in contravention of Level 1 water restriction (in one calendar year)

First Offense	Verbal Warning
Second Offense	Written Warning
Third Offense	\$200.00 fine
Subsequent Offenses	\$500.00 fine

Use of water in contravention of Level 2 water restriction (in one calendar year)

First Offense	Verbal Warning
Second Offense	Written Warning
Third Offense	\$200.00 fine
Subsequent Offenses	\$500.00 fine

Use of water in contravention of Level 3 water restriction (in one calendar year)

First Offense	Written Warning
Second Offense	\$200.00 fine
Third Offense	\$500.00 fine

Use of water in contravention of Level 4 water restriction (in one calendar year)

First Offense	Written Warning
Second Offense	\$500.00 fine
Subsequent Offenses	\$500.00 fine plus water shut off for 24 hours

- * If a verbal warning has already been given for contravention of a Level 1 restriction and the restriction is upgraded to Level 2 a verbal warning will not be given for a contravention of the Level 2 restriction.

**BYLAW #13/2002
TOWN OF BOWDEN
SCHEDULE "C"**

Interference with the collection of garbage (Section 11(a))

First Offense	Written Warning
Second Offense	\$200.00 fine
Third Offense	\$500.00 fine

Interference with a refuse container (Section 11(b))

First Offense	Written Warning
Second Offense	\$200.00 fine
Third Offense	\$500.00 fine

Illegal disposal of garbage in commercial or private container (Section 11(c))

First Offense	Written Warning
Second Offense	\$200.00 fine
Third Offense	\$500.00 fine